

Amendment No. 1 to HB0691

Brooks H  
Signature of Sponsor

**AMEND Senate Bill No. 543\***

**House Bill No. 691**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-7-2004(a)(7), is amended by deleting the subdivision and substituting instead the following:

(7)

(A) Institutions operated solely as auction schools, barber schools, schools of cosmetology, or schools of electrology; provided, that any barber school or school of cosmetology licensed or registered with the board of cosmetology and barber examiners that is eligible for or chooses to seek eligibility for federal student financial aid programs under the Higher Education Act of 1965, as amended (20 U.S.C. §§ 1001-1161aa-1) shall be subject to all requirements of this part;

(B) Any authorization to engage in postsecondary education issued by the board of cosmetology and barber examiners, or any predecessor board, shall be null and of no effect upon the granting of authorization by the commission or after June 30, 2016, whichever is earlier;

SECTION 2. Tennessee Code Annotated, Section 62-4-135, is amended by deleting the section in its entirety and substituting instead the following:

(a) Notwithstanding § 62-4-102(16), for purposes of this section, "school" means any school that is licensed or registered by the board.

(b) Beginning on July 1, 2015, the board shall issue no new authorizations to provide postsecondary education in this state. However, any authorization issued prior

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to July 1, 2015, shall remain valid until the granting of authorization by the Tennessee higher education commission pursuant to title 49, chapter 7, part 20, or June 30, 2016, whichever is earlier.

(c) Any postsecondary authorization as a postsecondary institution issued by the board prior to July 1, 2015, shall become invalid and not subject to reinstatement or renewal by the board if a school fails at any time to:

- (1) Meet any requirement for registration under this part;
- (2) Meet the requirements of any rules promulgated under this part;
- (3) Hold a current, valid accreditation as a postsecondary institution from a postsecondary accrediting agency recognized by the United States department of education;
- (4) Require that its regular enrolled students are primarily persons who have completed or terminated their secondary education or who are beyond the age of compulsory high school attendance; or
- (5) Hold a current, valid license issued by the board to operate the school.

(d) Providing false information on the attestation required to obtain postsecondary authorization from the board shall be unprofessional conduct pursuant to § 62-4-127.

(e) This section shall be repealed and be of no force and effect after June 30, 2016.

SECTION 3. Tennessee Code Annotated, Section 62-4-136, is amended by deleting the section in its entirety and substituting instead the following:

(a)

(1) Any person claiming damage or loss as a result of any act or practice by a school, as defined by § 62-4-135(a) or its agent, or both, that is a violation of this part or of rules promulgated under this part, may file with the board a verified complaint against the school or against its agent, or both.

(2) The complaint shall set forth the alleged violation and shall contain other information that may be required by the board.

(b) The board may consider a complaint after ten (10) days' written notice by registered mail, return receipt requested, to the school or to the agent, or both, as appropriate, giving notice of a time and place for hearing on the complaint. Any hearing held pursuant to this section shall be conducted pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c) If, upon all the evidence at a hearing, the board finds that a school or its agent, or both, has engaged in or is engaging in any act or practice that violates this part or rules promulgated under this part, the board may revoke a school's authorization granted pursuant to § 62-4-135.

(d) This section shall be repealed and be of no force and effect after June 30, 2016.

SECTION 4. This act shall take effect July 1, 2015 at 12:01 a.m., the public welfare requiring it.